



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

BJG  
Docket No: 2493-99  
15 October 1999

MA [REDACTED] USMC

Dear [REDACTED]:

This is in reference to your application dated 25 March 1999, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10, United States Code, section 1552. The Board denied your previous request to remove your fitness report for 13 June 1989 to 5 January 1990, docket number 8638-95, on 18 January 1996. You have added a new request to remove your failures by the Fiscal Year (FY) 1998 through 2000 Lieutenant Colonel Selection Boards.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 14 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your current application, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the memorandum from the Headquarters Marine Corps (HQMC) Performance Evaluation Review Branch, dated 14 April 1999, and the advisory opinion from the HQMC Officer Career Counseling and Evaluation Section, Officer Assignment Branch, Personnel Management Division, dated 13 July 1999, copies of which are attached. They also considered your rebuttal letters dated 17 September 1999 with enclosures, and 1 October 1999 with enclosure.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The new evidence you provided, including the Marine Corps colonel's statement dated 25 August 1998, did not persuade them that you deserved a more favorable fitness report, or that your reporting senior could not prepare a valid report. Since they found no defect in your performance record, they had no basis to remove your failures by the FY 1998 through 2000 Lieutenant Colonel Selection Boards. In view of the above, the Board again voted to deny relief. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
H. QUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

2493-99

IN REPLY REFER TO:

1610

MMER

14 Apr 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: REQUEST FOR RECONSIDERATION IN THE CASE OF MAJO [REDACTED]  
[REDACTED], USMC

Encl: (1) [REDACTED] DD Form 149 of 25 Mar 99

1. Both the PERB and BCNR previously denied [REDACTED]'s request for the removal from his official military record of the fitness report for the period 890613 to 900105 (CH).

2. [REDACTED] is again asking for elimination of the fitness report identified above and as "new and relevant material evidence", furnishes statements from the Reviewing Officer and Reporting Senior of record, [REDACTED] and [REDACTED] respectively. It is [REDACTED]'s request that if the information provided by Colonel [REDACTED] is considered "relevant", the report be again reviewed regarding its "adversity."

3. While [REDACTED] statement appears to be supportive, he specifically reiterates that he had "...limited opportunity to observe the officers of the VMO-2 Detachment assigned to MAG-36 as part of the 6 month deployment program." [REDACTED] was one of those officers. [REDACTED] further states that if he had known of the information related by Colonel [REDACTED] at the time he reviewed [REDACTED]'s report, the result would have been a "different endorsement." It should be emphasized that the review of any fitness report is based on the Reviewing Officer's observation and knowledge of that Marine's performance. We are confident that if [REDACTED] had penned an unfavorable review based on another officer's input and opinion, it's validity would be challenged on the basis of "insufficient firsthand observation."

4. [REDACTED] letter provides nothing relevant regarding either the accuracy or validity of the fitness report. He merely indicates it was a "resubmission."

Subj: REQUEST FOR RECONSIDERATION IN THE CASE OF [REDACTED]  
[REDACTED] USMC

4. As a final matter, the issue of the report's alleged "adversity" has already been addressed/resolved by both the PERB and BCNR, and our belief is that it should not be revisited.

5. We recommend against reconsidering [REDACTED]'s case. Please advise.

[REDACTED]

Head, Performance Evaluation  
Review Branch  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

2493-99

IN REPLY REFER TO:

1600  
MMOA-4  
13 Jul 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of  
Major [REDACTED] 725 USMC of  
2 July 99

1. Recommend disapproval of Major [REDACTED] request for removal of his failures of selection.
2. Per the reference, we reviewed [REDACTED] record and petition. [REDACTED] failed selection on the FY98, 99 and 00 USMC Lieutenant Colonel Selection Boards. The Performance Evaluation Review Board denied [REDACTED] petition to have the Change of Reporting Senior fitness report for the period of 890613 to 900105 removed from his record. [REDACTED] requests removal of his failures of selection.
3. In our opinion, the petitioned report does present competitive concern to the record. However, even had the petitioned report been removed, [REDACTED] has other areas of serious competitive concern in his record that more than likely led to his failure of selection.

a. **Value & Distribution as a Recruiting Station Commander.**

[REDACTED] has eighteen officers ranked above him and twenty-two below, placing him around mid pack.

b. **MOS Credibility.**

[REDACTED] did not complete his transition training to the MOS 7525 until after the FY98 Board had convened and adjourned. Furthermore, after completion of training, he was not assigned to a tactical squadron but instead served on the Marine Aircraft Group 11 staff. Additionally, prior to the FY98 Board, [REDACTED] only had forty-six months of observed time in tactical flying squadrons. We believe this lack of time in fleet aviation units called into question [REDACTED] MOS credibility and was a significant, if not the primary, factor in his failure of selection.

Subj: BCNR PETITION FOR MAJOR [REDACTED]  
[REDACTED] MC

4. In summary, we believe [REDACTED] petition is without merit. His record received a substantially complete and fair evaluation by the Boards. Had the petitioned report been removed by the Performance Evaluation Review Board [REDACTED] record would not have been significantly improved. Major [REDACTED] record has other areas of competitive jeopardy beyond the petitioned report; his Value & Distribution as a Recruiting Station Commander and his lack of MOS credibility. Therefore, we recommend disapproval of [REDACTED] petition for removal of his failures of selection.

[REDACTED]  
Lieutenant Colonel, U. S. Marine Corps  
Head, Officer Career Counseling and  
Evaluation Section  
Officer Assignments Branch  
Personnel Management Division